

HIGH COURT OF CHHATTISGARH AT BILASPUR
Writ Petition No. 3130 of 2003

Petitioner : DURGA PRASAD SAHU AGED
ABOUT 35 YEARS SON OF SHRI
B.P. SAHU PUMP OPERATOR
GRADE-1 CHHATTISGARH STATE
INDUSTRIAL DEVELOPMENT
CORPORATION LIMITED R/O
VILLAGE DEORANI, POST MALDI
TAHSIL BHATAPARA DISTRICT
RAIPUR C.G.

Versus

- Respondents : 1. STATE OF CHHATTISGARH
THROUGH THE SECRETARY-
DEPARTMENT OF COMMERCE &
INDUSTRIES, MANTRALAYA, D.K.S.
BHAWAN, RAIPUR (C.G.)
2. CHHATTISGARH STATE
INDUSTRIAL DEVELOPMENT
CORPORATION LIMITED THROUGH
THE GENERAL MANAGER B/4, M.R.
COLONY, SHAILENDRA NAGAR,
RAIPUR (C.G.)
3. STATE OF MADHYA PRADESH
THROUGH THE SECRETARY
DEPARTMENT OF COMMERCE &
INDUSTRY MANTARALAYA
VALLABH BHAWAN BHOPAL (M.P.)
4. AUDYOGIK KENDRA VIKAS NIGAM
(GWALIOR) MARYADIT
(UNDERTAKING OF GOVT. OF M.P.)
THROUGH THE GENERAL
MANAGER 52, RAVI NAGAR,
GWALIOR (M.P.)
5. MADHYA PRADESH INDUSTRIAL
DEVELOPMENT CORPORATION
LIMITED TROUGH THE GENERAL
MANAGER "A.V.N. TOWERS" 192,
ZONE - 1 M.P. NAGAR, BHOPAL
(M.P.)

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

Shri Malay Kumar Bhaduri, counsel for the Petitioner.
Shri Pankaj Shrivastava, Panel lawyer for the Respondent No. 1.
Shri Bhaskar Pyasi, counsel for the Respondent No. 2.

(59)

ORAL ORDER

(13th January, 2006)

1. Learned counsel for the petitioner submits that the petitioner was appointed as Pump Operator Grade-I by the Respondent No. 4 and posted at Gwalior in the year 1992.
2. The petitioner made a representation on 31.10.2002 to the Respondent no. 2 for taking his service by the Chhattisgarh State Industrial Development Corporation Limited (hereinafter referred to as "CSIDC") on transfer or allocation. The Respondent No. 2 by letter dated 31.10.2002 informed to the Respondent No. 4 that CSIDC was willing to take service of the petitioner on allocation to the State of Chhattisgarh.
3. The Respondent No. 4 sent a communication to the Respondent No. 5 by letter dated 3.12.2003 (Annexure P-3) for grant of 'no objection certificate' for transferring service of the petitioner to CSIDC, Raipur. Government of Madhya Pradesh also approved and granted 'no objection'. Service of the petitioner was transferred to CSIDC, Raipur as Pump Operator and he was posted at CSIDC, Raipur by relieving order dated 4.3.2003 (Annexure P-7). The Petitioner joined the service on 10.3.2003 (Annexure P-8) at CSIDC, Raipur. After sometime the Respondent No. 2 declined to accept service of the petitioner on the ground that Respondent No. 2 had granted 'no objection' only on condition that service of the petitioner was allocated to the State of Chhattisgarh. In the present case, the petitioner was not allocated to State of Chhattisgarh, despite 'no objection' granted by all the respondents.
4. The Petitioner has filed this petition praying that the Respondents No. 1 and 2 be directed to allow the petitioner to perform his duties as Pump Operator Grade-I with the Respondent No. 2. At this stage,

learned counsel for the petitioner confines his submission that the respondents be directed to consider his representation for allocation to the State of Chhattisgarh, in accordance with law, to which learned counsel appearing for the Respondents No. 1 and 2 have no objection. Accordingly, the petitioner is at liberty to make a representation to the concerned authorities of the respondents for consideration and decision on his application with regard to allocation of his service to the State of Chhattisgarh. In the event, if any representation is made, the concerned authorities are directed to consider and decide the same within a period of six weeks from the date of receipt of the representation, in accordance with law.

5. In view of the foregoing, the writ petition is disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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